

Options for Modifying Water Quality Standards

Lisa Macchio

U.S. Environmental Protection Agency

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An Basic Introduction to:

Site-Specific Criteria

Natural Conditions based Criteria

Variances

UAAs

Permit Compliance Schedules

What happened to cause you to doubt the WQS?

303(d) listed water?

TMDL?

NPDES Permit?

An Important Point of Distinction

Are the WQS inappropriate?

or

Is there an inability to meet
the WQS?

How do you make the distinction between ability to meet the WQS and the WQS being inappropriate?

Conduct a preliminary use assessment
Information might include:

- existing ambient data - reference stream conditions; biological, chemical, habitat
- present/historical recreational use

If the Water Quality Standards are inappropriate for the water body what are the options?

- modify the numeric criteria
- modify the designated use

What are the options for modifying criteria?

- Site-Specific Criterion (SSC)
Boise WER, SF CDA SSC
- Natural Conditions Based Criterion
Potlatch NPDES permit
SR Hell's Canyon, SF Clearwater TMDL
- Other Scientifically Defensible Methods

Site-Specific Criterion (SSC) Approaches

EPA's 1984 Guidelines for Deriving Aquatic Life SSC
or
Other Scientifically Defensible Methods

Recalculation - differences in resident species

Water Effects Ratio (WER) - differences in
biological availability/toxicity due to
physical/chemical characteristics of site water

Resident Species - differences in resident species
sensitivity/biological availability/toxicity of
site water

Other Scientifically Defensible Methods

Site-Specific Temperature Criteria?

Site-Specific Total Dissolved Solids Criteria (Red Dog Mine, AK)

What are the options for modifying a Use?

Refinement/Downgrade or Removal?

Use Attainability Analysis

Adding/Upgrading? - What are the goals?

Consider the use and value of State waters for public water supplies, propagation of fish/wildlife, recreation, agriculture and industrial purposes and navigation

What if the issue is solely an inability to currently meet the criteria?

Available options may include:

- Variance
- Permit compliance schedule

What is a Variance?

Provides temporary relief from meeting the WQS

Basic premise:

The designated use in a particular water body can **not be met in the short term** but will and **can be attained at a future time**

Basis for a Variance

Demonstrate use can not be attained (just like UAA's)

Show reasonable progress towards meeting the WQS

Variances are specific to a discharger and for a specific pollutant

Variance to a designated use, Permitted discharger (NPDES) is allowed to discharge a pollutant at a concentration greater than the water quality criteria

Permit Compliance Schedules

Conditions for obtaining a compliance schedule

- WQS must contain a provision allowing compliance schedules
- permit includes a water quality based effluent limit for the first time or effluent limit is based on a criteria which became more stringent than previous effluent limit
- need to show how much time is needed in order to comply and WHY

